

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 202004233	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/31/2020 9:33 PM	Location of Incident: Greene Street and Spring Street	Precinct: 01	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/12/2020 4:28 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 06/12/2020 4:28 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	
C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

Case Summary

On June 12, 2020, § 87(2)(b) filed this complaint with the CCRB online.

On May 31, 2020, at approximately 9:33 p.m., § 87(2)(b) took part in a Black Lives Matter protest which began in Brooklyn and traveled into Manhattan. § 87(2)(b) who was on her bicycle during this incident, traveled to the intersection of Spring Street and Greene Street in Manhattan after crossing over the Manhattan Bridge. As § 87(2)(b) straddled her bicycle in the middle of the intersection, two unidentified officers approached her and ordered her to move. One of the officers put his baton in the rear spokes of § 87(2)(b)'s bike. An officer allegedly pushed § 87(2)(b) on her upper back and shoulder area, causing her to fall off her bike (Allegation A: Force, § 87(2)(g)). § 87(2)(b)'s bicycle also fell over, which resulted in a flat tire and askew handlebars (Allegation B: Abuse of Authority, § 87(2)(g)). Because § 87(2)(b) could not locate her bicycle while she was on the ground, she continued to ask where her bike was. An officer, who was inside an unmarked vehicle, allegedly stated, "Fuck your bike" (Allegation C: Discourtesy, § 87(2)(g)).

The investigation obtained cell phone video footage, which was taken immediately after this incident by the unidentified friend of a witness known only as § 87(2)(b) surveillance footage from a surrounding retail store; and TARU footage from the NYPD. However, none of these videos capture the incident. The investigation received negative results for body-worn camera (BWC) footage.

§ 87(2)(b) was neither arrested nor summonsed during this incident.

Findings and Recommendations

Allegation (A) Force: An officer used physical force against § 87(2)(b)

Allegation (B) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

Allegation (C) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Known Facts and General descriptions:

According to § 87(2)(b) (BR 01), on May 31, 2020, at approximately 9:33 p.m., Black Lives Matter protestors traveled over the Manhattan Bridge from Brooklyn. § 87(2)(b) rode her bicycle down Spring Street and stopped at the corner of Spring Street and Greene Street. § 87(2)(b) straddled her bicycle in the middle of the street and noticed an unmarked black Dodge Charger, or a vehicle of a similar make and model, perpendicular to her on Greene Street. Two officers, whom § 87(2)(b) described as follows: male with a very large build, wearing a uniform, helmet and riot gear; and a second male wearing a helmet and riot gear, approached § 87(2)(b) and told her to move out of the street. § 87(2)(b) could not describe the officers further and did not know if they exited from the unmarked vehicle. One of the officers put his baton into the rear spokes of § 87(2)(b)'s bicycle. An officer then allegedly pushed § 87(2)(b) on her upper back and shoulder area, causing her to fall off her bicycle. An officer, who was inside the unmarked vehicle that was now traveling the wrong way down Spring Street, allegedly yelled, "Fuck your bike," in response to § 87(2)(b) asking where her bicycle was. § 87(2)(b) described the officer as a fair-skinned male with sandy/ginger colored hair with a short goatee or beard, large build, approximately 30 to 40 years old, and wearing short-sleeves and no riot gear. Other civilians in the area, including § 87(2)(b) whose last name § 87(2)(b) did not know, came to her aid, and assisted her in calling family members so she could get home. § 87(2)(b) was unable to ride the bike home as it had a flat tire and the handlebars were askew.

§ 87(2)(b) provided a cell phone video § 87(2)(b)'s friend recorded immediately after the incident, which shows a male in plainclothes enter the driver's seat of a dark, unmarked sedan (BR 02-03). The video is taken from a distance and thus the view of both the alleged officer who spoke discourteously to § 87(2)(b) and license plate of the vehicle are obscured. The video does not capture any of the allegations.

§ 87(2)(b) was uncooperative with the investigation and thus a statement from her was not

obtained (see IAs for contact attempts).

Surveillance video footage § 87(2)(b), a nearby retail location located at § 87(2)(b) in Manhattan, was obtained, but did not capture this incident. Other retail locations, § 87(2)(b) were contacted, but representatives from both stores confirmed that there are no external cameras at the locations. Contact attempts were also made to § 87(2)(b) another nearby retail store, but each time an automated message stated that the store was currently closed.

BWC:

The investigation received negative BWC results from the NYPD (BR 04). The search was conducted for officers assigned to the 1st Precinct, Emergency Services Unit (ESU), Strategic Response Group (SRG), Critical Response Command (CRC), City-Wide Traffic, and Narcotics, on the date of the incident between the hours of 9 p.m. and 10 p.m. A second request was also submitted after potential officers were identified (see below for testimonies), but this request was also returned as negative (BR 16).

NYPD Documents Reviewed:

The investigation received negative results for a TRI prepared for § 87(2)(b) (BR 05). TARU footage from the NYPD was received, but did not capture this incident (BR 06-08).

The investigation requested the Detail Roster prepared for this protest and received over 50 rosters from Patrol Borough Manhattan South (BR 09). Several of the rosters did not list the area to which the officers were assigned or did not list the time of the assignment.

Out of all the rosters received, Police Officer Maris Garcia of Midtown North Precinct was the only officer with an assignment at Spring Street and Greene Street in Manhattan, the incident location provided by § 87(2)(b). Sergeant Timothy White, also of Midtown North Precinct, was listed as the supervisor. The Detail Roster, however, did not list the date or time of PO Garcia's assignment at Spring Street and Greene Street.

Concurrent Investigations:

No concurrent investigations were pursued related to this complaint.

Officers Interviewed:

In her interview, PO Garcia (BR 10) testified that she was working with Sergeant Alexander Chateau, also of Midtown North Precinct, and other officers whom she did not recall. PO Garcia did not have a recollection of specifically being assigned to Spring Street and Greene Street in Manhattan, though knew she was assigned to a footpost throughout the evening. PO Garcia had no recollection of observing the incident involving § 87(2)(b) or otherwise learning about it.

Sgt. Chateau (BR 11) testified in his interview that he was assigned to the desk at the Midtown North Precinct at the time of the incident and therefore had no knowledge of it. Sgt. Chateau did not know of any officers assigned to the area of Spring Street and Greene Street at approximately 9:30 p.m.

Sgt. White (BR 12) testified that he was at Bryant Park in Manhattan at the time of the incident involving § 87(2)(b) and thus had no knowledge of its occurrence. Sgt. White reviewed the Detail Roster, which listed him as a supervisor of eight officers, including PO Garcia, and explained that the roster was prepared pursuant to protest activity between the hours of 5 a.m. and 6 a.m. on June 1, 2020, the morning after this incident.

Ranking Officers:

As the sole Detail Roster prepared for the incident location did not list anyone of higher rank than Sgt. White, there were no other ranking officers to interview.

Allegation Recitation and Disposition:

§ 87(2)(g) there was no documentation of this incident, such as a Threat, Resistance, or Injury Worksheet (TRI); Detail Rosters did not accurately document the date, times, and locations of officers' assignments; video evidence was either obscured, irrelevant, or nonexistent; and § 87(2)(g) was unable to provide more specific identification information § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 13).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
 - As of July 14, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 14).
 - § 87(2)(b)
- § 87(2)(b)

Squad No.: 14

Investigator: Casey McCann Inv. Casey McCann 02/02/2021
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 02/02/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date